

chapter 11

Stormwater



Stormwater

Program Assistance

Enforcement - For enforcement questions, contact EPA Region VI, Water Enforcement Branch 214/665-6450.

Permits - For information or assistance with stormwater permits, contact EPA Region VI at 214/665-7180.

Stormwater Program Assistance and Reporting Requirements - For general information on the Federal Stormwater Program or reporting requirements, contact EPA Region VI at 214/665-7180.

Federal Authority

National Pollutant Discharge Elimination System (NPDES) stormwater permits are required by the federal Clean Water Act (CWA) and are issued by EPA Region VI. All activities relating to the regulation of stormwater are administered by the federal government.

Program Requirements

Permits

Phase I

Municipal

Any municipal facility that serves a population of more than 100,000 must obtain an individual, site-specific stormwater permit from EPA. The two-part application for municipal stormwater systems may be obtained from the EPA Region VI Office.

Municipalities serving populations greater than 100,000 may also need to obtain industrial and construction permits, if they operate industrial facilities or develop construction projects that require more than five acres of land.

Stormwater permits are also required for all municipal airports, power plants, and uncontrolled sanitary landfills, regardless of the size of municipality.

Industrial

Industrial facilities may apply to the EPA Region VI Office for either a General or an Individual Permit. A General Permit stipulates specific discharge criteria and responsibilities for all industries within a geographical area. A General Permit may be obtained by submitting a "Notice of Intent" to the EPA Region VI Office. This Notice (letter to EPA) must outline the facility's plan to control stormwater discharges.

Individual Permits may be requested by facilities that have site-specific issues not covered in the General Permit. Individual Permits require a longer processing time as they must be examined on a case-by-case basis.

Construction

Any construction activity which requires more than five acres of land must have a stormwater permit. Construction permits are issued as General Permits, which may be obtained by filing a "Notice of Intent" (letter stating the nature and duration of the project) with EPA Region VI. When construction has concluded, a Notice of Termination should be sent to EPA Region VI.

Phase II

Phase II includes municipalities with populations less than 100,000 and with separate municipal storm sewer discharges, and commercial facilities not covered in Phase I. The Phase II program has not yet been fully implemented by EPA, as rules affecting Phase II facilities have not been finalized.

Because Phase II regulations have not been finalized, many municipalities are liable under the law for discharging without a permit. Commercial facilities not covered in Phase I are also liable for discharging without a permit. In order to relieve this potential liability problem, EPA published proposed regulations for Phase II in the *Federal Register* in February 1995 which will establish a two-tiered implementation process. The effective date for these regulations has not yet been determined.

The highest priority under Tier One will be to issue permits to dischargers found to be degrading water quality, or to be significant sources of pollutants. These dischargers will be notified by EPA of Phase II permitting requirements. They will then have 180 days to apply for a permit, unless an extension is granted. All remaining Phase II facilities will be required to apply for a permit no later than 6 years from the effective date of this regulation.

EPA will develop more comprehensive Phase II Rules under Tier Two. EPA intends to propose the Tier Two Rules by September 1997, and finalize them by March 1, 1999.

Reports

Reporting requirements for stormwater permits fall into three categories.

- ▼ General permit holders in the following industries must take samples on a semi-annual basis and submit reports to EPA Region VI: primary metal industries, land disposal units, incinerators, wood treatment facilities, industrial facilities with coal piles and battery reclaimers.
- ▼ Other general permit holders are required to take samples on an annual basis and keep the results of these samples on file. Facilities falling into this category include: airports with 50,000+ flights annually that de-ice, coal-fired electric utilities, animal handling/meat packing facilities, industries covered under Standard Industrial Codes 28 & 30 (contact with storage piles of raw material), certain automotive junkyard, cement, lime, and readymix concrete manufacturers, and shipbuilding operations.
- ▼ There are no reporting requirements for the remaining NPDES stormwater permit holders.

Fees

There are no fees associated with a stormwater permit.

Inspections

Inspections are conducted on an as-needed basis by the EPA Region VI Office and are generally in response to complaints.

Enforcement

The EPA does not currently have an enforcement process for stormwater permits. Enforcement activities will be reconsidered during the development of the second tier of Phase II permitting.

In Addition

Frequently Asked Questions

Are municipally-owned and/or operated school bus maintenance facilities required to apply for an NPDES permit?

No. The EPA Standard Industrial Classification Manual states that “school bus establishments operated by educational institutions should be treated as auxiliaries” to the educational institution. Municipally operated school bus establishments are not required to apply for an NPDES permit for their stormwater discharges. However, private contract school bus services are required to apply for an NPDES permit for their stormwater discharges.

Do wastewater treatment facilities that collect their stormwater runoff and treat it as part of the normal inflow that is processed through the treatment plant have to apply for a permit?

No. If a facility discharges its stormwater into the headworks of the treatment plant, it is essentially the same as discharging to a combined system or to a sanitary system and is therefore exempt from permitting; however, State law prohibits the routing of stormwater into a wastewater collection or treatment system.

If a municipally owned sewage treatment plant is located in a municipality with a population of less than 100,000 people, but the service population is greater than 100,000 people, is the facility subject to the permitting requirements?

Yes, because service populations are used in determining population for publicly-owned treatment works (POTWs). Additionally, when a sewer district operates a number of POTWs, the entire service population of the district will be used to determine the applicable classification for all the POTWs operated by the district.

Significant Laws

Federal Law

Clean Water Act (CWA)

Prohibits the discharge of any pollutant to waters in the United States from a point source unless the discharge is authorized by a NPDES permit.

Requires the implementation of a comprehensive two-phased approach for addressing stormwater discharges (usually considered a non-point source of water pollution).